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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/572,743	<b>Applicant(s)</b> KIKKOJI ET AL.	
	<b>Examiner</b> FAZLUL QUADER	<b>Art Unit</b> 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Claims 1-19 *are* pending in this application.
2. Examiner acknowledges applicant's amendment on 05/16/2008.
3. Claims 1-5, 7, 9, 14-16, 18 have been amended on 05/16/2008.
4. Claims 19 have been newly added on 05/16/2008.
5. Applicant's arguments filed 05/16/2008, with respect to claims 1-19 have been fully considered but they are not persuasive, for examiner's response see discussion below.

### ***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 1-8 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
8. With respect to claim 1, line 2 recites a communication apparatus that retrieves contents and "transmits the retrieved contents". Transmission according

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to the specification (page 16, 3<sup>rd</sup> paragraph) may be an electromagnetic signal.

This subject matter is not limited to that which falls within a statutory category of invention because it is not limited to a process, machine, manufacture, or a composition of matter. Instead, it includes a form of energy. Energy does not fall within a statutory category since it is clearly not a series of steps or acts to constitute a process, not a mechanical device or combination of mechanical devices to constitute a machine, not a tangible physical article or object which is some form of matter to be a product and constitute a manufacture, and not a composition of two or more substances to constitute a composition of matter. The claims 2-8 are also rejected for being dependent upon claim 1.

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-18 of the present application (effective filing date: Nov. 16, 2005) are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi et al.

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(US 20020010740; pub. date: Jan. 24, 2002), hereinafter “Kikuchi”, in view of Asahi et al. (US 20020114455; pub. date: Aug. 22, 2002), hereinafter “Asahi”.

11. As to claim 1, Kikuchi discloses, a communication apparatus that retrieves contents and transmits the received contents comprising: reception means for receiving a retrieval keyword used to request contents from an external device (Kikuchi: [0086], lines 1-4); retrieval means for retrieving contents from a database based on the retrieval keyword received by the reception means (Kikuchi: [0085], lines 18-22);

page information generation means for generating page information including list information of contents retrieved by the retrieval means (Kikuchi: abs., lines 1-2), and transmission means for transmitting the page information generated by the page information generation means to the external device (Kikuchi: abs., lines 2-3; [0013], lines 1-11).

Kikuchi, however, does not explicitly disclose, “appending information” and “consecutive reproduction function”.

Asahi, on the other hand, discloses “appending information” that displays whether or not the page information is provided with a “consecutive reproduction function” of making the external device consecutively reproduce part of contents

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included in the list information respectively to the page information (Asahi: [0027], lines 1-17, “successive copy”);

Both Kikuchi and Asahi are of the same field of endeavor, they specifically teach distribution, display and reproduction of digital content (Kikuchi: abs., lines 2-3; Asahi: [0007], lines 1-9).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Asahi into Kikuchi of content distribution system and method that would have allowed users of Kikuchi to successively copy encoded digital content (Asahi: [0027], lines 5-6).

12. As to claim 8, Kikuchi discloses, a communication method for retrieving contents and providing thus retrieved contents (Kikuchi: [0086], lines 1-4), comprising: receiving a retrieval keyword that requests contents from an external device; retrieving contents from a database based on the received retrieval keyword (Kikuchi: [0085], lines 18-22); generating page information including list information of retrieved contents (Kikuchi: abs., lines 1-2), and transmitting the generated page information to the external device (Kikuchi: abs., lines 2-3; [0013], lines 1-11).

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Kikuchi, however, does not explicitly disclose, “appending information” and “consecutive reproduction function”.

Asahi, on the other hand, discloses “appending information” that displays whether or not the page information is provided with a “consecutive reproduction function” of making the external device consecutively reproduce part of contents included in the list information respectively to the page information (Asahi: [0027], lines 1-17, “successive copy”);

Both Kikuchi and Asahi are of the same field of endeavor, they specifically teach distribution, display and reproduction of digital content (Kikuchi: abs., lines 2-3; Asahi: [0007], lines 1-9).

It would have been obvious to one of the ordinary skill in the art at the time of applicant’s invention to incorporate the teachings of Asahi into Kikuchi of content distribution system and method that would have allowed users of Kikuchi to successively copy encoded digital content (Asahi: [0027], lines 5-6).

13. As to claim 9, Kikuchi discloses, a communication program that makes a computer execute the processing of retrieving contents and providing thus retrieved contents (Kikuchi: [0086], lines 1-4), the computer executing the processing comprising: receiving a retrieval keyword that requests contents from

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an external device; retrieving contents from a database based on the received retrieval keyword (Kikuchi: [0085], lines 18-22); generating page information including list information of retrieved contents (Kikuchi: abs., lines 1-2), and transmitting the generated page information to the external device (Kikuchi: abs., lines 2-3; [0013], lines 1-11)

Kikuchi, however, does not explicitly disclose, “appending information” and “consecutive reproduction function”.

Asahi, on the other hand, discloses “appending information” that displays whether or not the page information is provided with a “consecutive reproduction function” of making the external device consecutively reproduce part of contents included in the list information respectively to the page information (Asahi: [0027], lines 1-17, “successive copy”);

Both Kikuchi and Asahi are of the same field of endeavor, they specifically teach distribution, display and reproduction of digital content (Kikuchi: abs., lines 2-3; Asahi: [0007], lines 1-9).

It would have been obvious to one of the ordinary skill in the art at the time of applicant’s invention to incorporate the teachings of Asahi into Kikuchi of



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content distribution system and method that would have allowed users of Kikuchi to successively copy encoded digital content (Asahi: [0027], lines 5-6).

14. As to claim 2, Kikuchi as modified discloses, the communication apparatus according to claim 1, wherein, during a period of time when respective items in the list information are selected in turn, and part of contents related to the selected items is transmitted to the external device for reproduction respectively (Kikuchi: [0012], lines 1-5), the page information generation means appends information displaying that the part of contents is being consecutively reproduced respectively to the page information (Kikuchi: [0011], lines 1-10; [0012], lines 1-5; [0013], lines 1-11).

15. As to claim 3, Kikuchi as modified discloses, the communication apparatus according to claim 1, wherein, when transmitting all items in the list information to the external device for reproduction is completed, the page information generation means appends information displaying that the consecutive reproduction is completed to the page information (Kikuchi: [0013], lines 1-11; [0181], lines 1-9);

16. As to claim 4, the claim is rejected for the same reason as claim 1. In addition, Kikuchi as modified discloses, the communication apparatus according to claim 1, wherein, in case the page information displaying the list information of

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contents including those retrieved by the retrieval means is generated (Kikuchi: [0013], lines 1-5).

17. As to claim 5, Kikuchi as modified discloses, the communication apparatus according to claim 1, wherein, in case the page information displaying a table of the list information is generated as the retrieval result of the retrieval means, the page information generation means appends information that displays whether or not the list information in the table is provided with the consecutive reproduction function respectively (Kikuchi: [0148], lines 1-11).

18. As to claim 6, the claim is rejected for the same reason as claim 1. In addition, Kikuchi as modified discloses, the external device display a notification indication corresponding to the identification information (Kikuchi: [00138], lines 1-5, "prompt message").

19. As to claim 7, Kikuchi as modified discloses, the communication apparatus according to claim 1, wherein the contents are tunes ([0087], lines 24-25, "music data"), and, at the time of carrying out the consecutive reproduction function, audio data corresponding to part of the contents is consecutively transmitted to the external device (Kikuchi: [0087], lines 1-28).

20. As to claim 10, Kikuchi discloses, a communication apparatus, comprising:

list information request information transmission means for transmitting request information requesting list information of contents to an external device (Kikuchi: abs., lines 2-3; [0013], lines 1-11);

page information reception means for receiving page information including the list information of contents and information indicating that part of respective contents (Kikuchi: [0086], lines 1-4) included in the list information can be consecutively reproduced, which are transferred from the external device in answer to the request information requesting the list information (Kikuchi: abs., lines 2-3; [0013], lines 1-11);

output means for outputting the page information including the list information of contents and the information indicating that the consecutive reproduction is possible (Kikuchi: fig. 3, #72, #73, [0037]; [0087]);

consecutive reproduction request information transmission means for transmitting request information that requests consecutively reproducing part of respective contents included in the list information to the external device (Kikuchi: abs., lines 2-3; [0013], lines 1-11); and

reproduction means for sequentially receiving and reproducing data of part of respective contents included in the list information, which is transferred from

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the external device in answer to the request information requesting the consecutive reproduction (Kikuchi: abs., lines 2-3; [0013], lines 1-11).

Kikuchi, however, does not explicitly disclose, “consecutive reproduction function”.

Asahi, on the other hand, discloses appending information that displays whether or not the page information is provided with a “consecutive reproduction function” of making the external device consecutively reproduce part of contents included in the list information respectively to the page information ([0027], lines 1-17, “successive copy”);

Both Kikuchi and Asahi are of the same field of endeavor, they specifically teach distribution, display and reproduction of digital content (Kikuchi: abs., lines 2-3; Asahi: [0007], lines 1-9).

It would have been obvious to one of the ordinary skill in the art at the time of applicant’s invention to incorporate the teachings of Asahi into Kikuchi of content distribution system and method that would have allowed users of Kikuchi to successively copy encoded digital content (Asahi: [0027], lines 5-6).

21. As to claim 11, Kikuchi as modified discloses, the communication

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apparatus according to claim 10, wherein the consecutive reproduction request information transmission means transmits request information requesting part of currently selected contents to the external device (Kikuchi: abs., lines 2-3; [0013], lines 1-11).

22. As to claim 12, Kikuchi as modified discloses, the communication apparatus according to claim 10, wherein the reproduction means sequentially receives and reproduces streaming data of part of respective contents included in the list information, which is transferred from the external device in answer to the request information requesting the consecutive reproduction (Kikuchi: [0227]).

23. As to claim 13, Kikuchi as modified discloses, the communication apparatus according to claim 10, further comprising retrieval keyword transmission means for transmitting a retrieval keyword that requests contents to an external device (Kikuchi: [0144], "keywords"),

wherein the page information reception means receives page information including a table of list information retrieved by the retrieval keyword and information that indicates whether or not each list information in the table is provided with the consecutive reproduction function respectively (Kikuchi: [0046]), and

the output means outputs the page information including the table of list information and the information that indicates whether or not each list information in the table is provided with the consecutive reproduction function respectively (Kikuchi: [0046]).

24. As to claim 14, Kikuchi as modified discloses, the communication apparatus (fig. 1; [0086]) according to claim 10, wherein, during a period of time when the data of part of respective contents is reproduced by the reproduction means, the output means outputs information indicating that the data of part of respective contents is being consecutively reproduced (Kikuchi: fig. 3, #72, #73, [0037]; [0087]);

25. As to claim 15, Kikuchi as modified discloses, the communication apparatus according to claim 14, wherein, when reproducing the data of part of respective contents by the reproduction means is completed, the output means outputs information indicating that the consecutive reproduction is completed (Kikuchi: [0121]).

26. As to claim 16, Kikuchi as modified discloses, the communication apparatus according to claim 15, wherein, after outputting the information indicating that the consecutive reproduction is completed for a predetermined period of time, the output means re-outputs the information indicating that the consecutive reproduction is possible (Kikuchi: [0176]).

27. As to claim 17, Kikuchi discloses, a communication method (Kikuchi: [0086]), comprising:

transmitting request information requesting list information of contents to an external device (Kikuchi: abs., lines 2-3; [0013], lines 1-11);

receiving page information including the list information of contents and information indicating that part of respective contents included in the list information can be consecutively reproduced (Kikuchi: [0086], lines 1-4), which are transferred from the external device in answer to the request information requesting the list information (Kikuchi: abs., lines 2-3; [0013], lines 1-11);

outputting the page information including the list information of contents and the information indicating that the consecutive reproduction is possible (Kikuchi: fig. 3, #72, #73, [0037]; [0087]);

transmitting request information that requests consecutively reproducing part of respective contents included in the list information to the external device (Kikuchi: abs., lines 2-3; [0013], lines 1-11); and

sequentially receiving and reproducing data of part of respective contents included in the list information, which is transferred from the external device in

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answer to the request information requesting the consecutive reproduction

(Kikuchi: abs., lines 2-3; [0013], lines 1-11).

Kikuchi, however, does not explicitly disclose, “consecutive reproduction function”.

Asahi, on the other hand, discloses appending information that displays whether or not the page information is provided with a “consecutive reproduction function” of making the external device consecutively reproduce part of contents included in the list information respectively to the page information (Asahi: [0027], lines 1-17, “successive copy”);

Both Kikuchi and Asahi are of the same field of endeavor, they specifically teach distribution, display and reproduction of digital content (Kikuchi: abs., lines 2-3; Asahi: [0007], lines 1-9).

It would have been obvious to one of the ordinary skill in the art at the time of applicant’s invention to incorporate the teachings of Asahi into Kikuchi of content distribution system and method that would have allowed users of Kikuchi to successively copy encoded digital content (Asahi: [0027], lines 5-6).

28. As to claim 18, Kikuchi discloses, a computer readable storage medium



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encoded with instructions which when executed by a computer cause a processor to execute a method for communication processing (Kikuchi: [0086]), the method comprising:

transmitting request information requesting list information of contents to an external device (Kikuchi: abs., lines 2-3; [0013], lines 1-11);

receiving page information including the list information of contents and information indicating that part of respective contents included in the list information can be consecutively reproduced (Kikuchi: [0086], lines 1-4), which are transferred from the external device in answer to the request information requesting the list information (Kikuchi: abs., lines 2-3; [0013], lines 1-11);

outputting the page information including the list information of contents and the information indicating that the consecutive reproduction is possible (Kikuchi: fig. 3, #72, #73, [0037]; [0087]);

transmitting request information that requests consecutively reproducing part of respective contents included in the list information to the external device (Kikuchi: abs., lines 2-3; [0013], lines 1-11); and

sequentially receiving and reproducing data of part of respective contents included in the list information, which is transferred from the external device in

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answer to the request information requests the consecutive reproduction

(Kikuchi: abs., lines 2-3; [0013], lines 1-11).

Kikuchi, however, does not explicitly disclose, “consecutive reproduction function”.

Asahi, on the other hand, discloses appending information that displays whether or not the page information is provided with a “consecutive reproduction function” of making the external device consecutively reproduce part of contents included in the list information respectively to the page information (Asahi: [0027], lines 1-17, “successive copy”);

Both Kikuchi and Asahi are of the same field of endeavor, they specifically teach distribution, display and reproduction of digital content (Kikuchi: abs., lines 2-3; Asahi: [0007], lines 1-9).

It would have been obvious to one of the ordinary skill in the art at the time of applicant’s invention to incorporate the teachings of Asahi into Kikuchi of content distribution system and method that would have allowed users of Kikuchi to successively copy encoded digital content (Asahi: [0027], lines 5-6).

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29. As to claim 19, Kikuchi discloses, a communication apparatus that retrieves contents and provides thus retrieved contents (Kikuchi: [0086]), comprising:

a reception unit configured to receive a retrieval keyword that requests contents from an external device (Kikuchi: [0086], lines 1-4);

a retrieval unit configured to retrieve contents from a database based on the retrieval keyword received by the reception unit (Kikuchi: [0085], lines 18-22);

a page information generation unit configured to generate page information including list information of contents retrieved by the retrieval unit, and appending information that displays whether or not the page information is provided with a consecutive reproduction function of making the external device consecutively reproduce part of contents included in the list information respectively to the page information (Kikuchi: abs., lines 2-3; [0013], lines 1-11); and

a transmission unit configured to transmit the page information generated by the page information generation unit to the external device.

Kikuchi, however, does not explicitly disclose, “appending information” and “consecutive reproduction function”.

Asahi, on the other hand, discloses “appending information” that displays whether or not the page information is provided with a “consecutive reproduction function” of making the external device consecutively reproduce part of contents included in the list information respectively to the page information (Asahi: [0027], lines 1-17, “successive copy”);

Both Kikuchi and Asahi are of the same field of endeavor, they specifically teach distribution, display and reproduction of digital content (Kikuchi: abs., lines 2-3; Asahi: [0007], lines 1-9).

It would have been obvious to one of the ordinary skill in the art at the time of applicant’s invention to incorporate the teachings of Asahi into Kikuchi of content distribution system and method that would have allowed users of Kikuchi to successively copy encoded digital content (Asahi: [0027], lines 5-6).

***Prior art made of record***

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ukita et al. (US 20020064096) teach reproduction apparatus and reproduction method.

Lida (US 20010044838) teaches information distribution method

Leem (US 20040044473) teaches on demand contents providing method and system.

Abe et al. (US 20020123990) teach apparatus and method for processing information, information system, and storage medium

### ***Response to Arguments***

31. Applicant's arguments filed 05/16/2008, with respect to claims 1-19 have been fully considered but they are not persuasive, for examiner's response see discussion below.

Claims 1-19 are pending in this application, Claim 19 having been added, and Claims 1-5, 7, 9, 14-16, and 18 having been presently amended.

**Applicant's arguments:** In response to the rejection of Claims 9 and 18 under 35 U.S.C. §101, Claims 9 and 18 have been amended to define a computer

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readable storage medium encoded with instructions which when executed by a computer cause a process to execute a method. MPEP 2106 IV.B. 1 (a) states that: A claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. In view of the presently submitted claim amendments and foregoing comments, Applicants respectfully submit that Claims 9 and 18 define statutory subject matter.

Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 101 be withdrawn.

**Examiner's response:** In view of the amendments to the claims the rejections based on USC 101 for claims 9 and 18 are being withdrawn.

**Applicant's arguments:** In response to the rejection of Claims 1-18 under 35 U.S.C. § 103(a) as unpatentable over Kikuchi in view of Asahi. Page 4 of the outstanding Office Action acknowledges that Kikuchi fails to describe appending information that displays whether or not page information is provided with a consecutive reproduction function of making an external device consecutively reproduce part of contents included in list information. In an attempt to remedy the above-identified deficiency of Kikuchi, the outstanding Office Action cites Asahi. However, Asahi fails to teach or suggest "page information generation means for generating page information including list information of contents

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retrieved by the retrieval means, and appending information that displays whether or not the page information is provided with a consecutive reproduction function of making the external device consecutively reproduce part of contents included in the list information respectively to the page information," as recited in Applicants' independent Claim 1. Page 4 of the outstanding Office Action asserts that paragraph [0027] of Asahi describes Applicants' claimed "appending information" feature. However, paragraph [0027] of Asahi merely describes that an encoder 314 applies one or more encoding parameters to an input received from an encoding parameter generator 315 to produce one or more copies of encoded digital content. Asahi also describes that each successive copy of encoded digital content may be produced from a preceding copy of encoded digital content. Thus, Asahi at paragraph [0027] merely describes producing multiple copies of encoded digital content. Asahi does not describe appending information to page information including a list information of contents retrieved by the retrieval means, and that the appending information displays whether or not the page information is provided with a consecutive reproduction function making the external device consecutively reproduce part of the contents included in the list information. In other words, in Asahi, there is no displaying whether or not the page information is provided with a consecutive reproduction function. Accordingly, Applicants respectfully submit that independent Claim 1 (and all claims depending thereon) patentably distinguishes over Kikuchi and Asahi. Independent Claims 8 and 9 are directed to a communication method and a computer readable medium, respectively, and recite, inter alia,

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... generating page information including list information of retrieved contents, and appending information that displays whether or not the page information is provided with a consecutive reproduction function of making the external device consecutively reproduced part of contents included in the list information respectively to the page information. As described above, Asahi fails to describe information indicating that part of respective contents included in a list information can be consecutively reproduced and thus does not teach or suggest the features of independent Claims 8 and 9. Thus, Applicants respectfully submit that independent Claims 8 and 9 patentably distinguish over Kikuchi and Asahi.

**Examiner's response:** As explained already in the office action, Kikuchi discloses, a communication apparatus that retrieves contents and transmits the received contents comprising: reception means for receiving a retrieval keyword used to request contents from an external device (Kikuchi: [0086], lines 1-4); retrieval means for retrieving contents from a database based on the retrieval keyword received by the reception means (Kikuchi: [0085], lines 18-22); page information generation means for generating page information including list information of contents retrieved by the retrieval means (Kikuchi: abs., lines 1-2), and transmission means for transmitting the page information generated by the page information generation means to the external device (Kikuchi: abs., lines 2-3; [0013], lines 1-11). Kikuchi, however, does not explicitly disclose, "appending information" and "consecutive reproduction function". Asahi, on the other hand, discloses "appending information" that displays whether or not the page



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information is provided with a “consecutive reproduction function” of making the external device consecutively reproduce part of contents included in the list information respectively to the page information (Asahi: [0027], lines 1-17, “successive copy”);

**Applicant’s arguments:** Independent Claim 10 is directed to communication apparatus including, inter alia: .page information reception means for receiving page information including the list information of contents and information indicating that part of respective contents included in the list information can be consecutively reproduced, which are transferred from the external device in answer to the request information requesting the list information, ....As described above, Asahi fails to describe information indicating that part of respective contents included in a list information can be consecutively reproduced and thus does not teach or suggest the features of independent Claim 10. Thus, Applicants respectfully submit that independent Claim 10 (and all claims depending thereon) patentably distinguishes over Kikuchi and Asahi.

**Examiner’s response:** As explained in the office action, Kikuchi discloses, a communication apparatus, comprising: list information request information transmission means for transmitting request information requesting list information of contents to an external device (Kikuchi: abs., lines 2-3; [0013], lines 1-11); page information reception means for receiving page information including the list information of contents and information indicating that part of

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respective contents (Kikuchi: [0086], lines 1-4) included in the list information can be consecutively reproduced, which are transferred from the external device in answer to the request information requesting the list information (Kikuchi: abs., lines 2-3; [0013], lines 1-11); output means for outputting the page information including the list information of contents and the information indicating that the consecutive reproduction is possible (Kikuchi: fig. 3, #72, #73, [0037]; [0087]); consecutive reproduction request information transmission means for transmitting request information that requests consecutively reproducing part of respective contents included in the list information to the external device (Kikuchi: abs., lines 2-3; [0013], lines 1-11); and reproduction means for sequentially receiving and reproducing data of part of respective contents included in the list information, which is transferred from the external device in answer to the request information requesting the consecutive reproduction (Kikuchi: abs., lines 2-3; [0013], lines 1-11). Kikuchi, however, does not explicitly disclose, “consecutive reproduction function”. Asahi, on the other hand, discloses appending information that displays whether or not the page information is provided with a “consecutive reproduction function” of making the external device consecutively reproduce part of contents included in the list information respectively to the page information ([0027], lines 1-17, “successive copy”)

**Applicant’s arguments:** Independent Claims 17 and 18 are directed to a communication method and computer readable storage medium, respectively, including the step of receiving page information including the list information of

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contents and information indicating that part of respective contents included in the list information can be consecutively reproduced, which are transferred from the external device in answer to the request information requesting the list information. As described above, Asahi fails to describe information indicating that part of respective contents included in a list information can be consecutively reproduced and thus does not teach or suggest the features of independent Claims 17 and 18. Thus, Applicants respectfully submit that independent Claims 17 and 18 patentably distinguish over Kikuchi and Asahi. Accordingly, Applicants respectfully request that the rejection of Claims 1-18 under 35 U.S.C. § 103(a) as unpatentable over Kikuchi in view of Asahi be withdrawn.

**Examiner's response:** Please see the explanations given in this office action for the corresponding claims.

**Applicant's arguments:** In order to vary the scope of protection recited in the claims, new Claim 19 is added. New Claim 19 finds non-limiting support in the disclosure as originally filed, for example at page 4, lines 11-26.

**Examiner's response:** As for claim 19, Kikuchi discloses, a communication apparatus that retrieves contents and provides thus retrieved contents (Kikuchi: [0086]), comprising: a reception unit configured to receive a retrieval keyword that requests contents from an external device (Kikuchi: [0086], lines 1-4); a retrieval unit configured to retrieve contents from a database based on the

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retrieval keyword received by the reception unit (Kikuchi: [0085], lines 18-22); a page information generation unit configured to generate page information including list information of contents retrieved by the retrieval unit, and appending information that displays whether or not the page information is provided with a consecutive reproduction function of making the external device consecutively reproduce part of contents included in the list information respectively to the page information (Kikuchi: abs., lines 2-3; [0013], lines 1-11); and a transmission unit configured to transmit the page information generated by the page information generation unit to the external device. Kikuchi, however, does not explicitly disclose, “appending information” and “consecutive reproduction function”. Asahi, on the other hand, discloses “appending information” that displays whether or not the page information is provided with a “consecutive reproduction function” of making the external device consecutively reproduce part of contents included in the list information respectively to the page information (Asahi: [0027], lines 1-17, “successive copy”);

### ***Conclusion***

32. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory

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action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Contact Information***

33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FAZLUL QUADER whose telephone number is (571)270-1905. The examiner can normally be reached on M-F 8-5 Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FAZLUL QUADER  
Examiner  
Art Unit 2164

/FQ/  
September 7, 2008

/Charles Rones/  
Supervisory Patent Examiner, Art Unit 2164